

REMARKS/ARGUMENTS

These remarks are made in response to the final Office Action of August 23, 2007 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

Claims 1-11 and 13-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application No. 2003/0225600 to Slivka, *et al.* (hereinafter Slivka). Claims 24 and 25 were rejected under 35 U.S.C. § 102(e) as being anticipated by Slivka.

Amendments to the Claims

Although Applicants respectfully disagree with the rejections in the Office Action, Applicants nonetheless have amended the claims in order to expedite prosecution of the present application by further emphasizing certain aspects of the claims. Applicants respectfully assert, however, that the claim amendments presented are not intended as, and should not be interpreted as, the surrender of any subject matter. Applicants are not conceding by these amendments that any previously submitted claims are unpatentable over the references of record. Applicants' present claim amendments are submitted only for purposes of facilitating expeditious prosecution of the present Application. Accordingly, Applicants respectfully reserve the right to pursue any previously submitted claims in one or more continuation and/or divisional patent applications.

In this response, Applicants have amended independent Claims 1, 9, 13, and 24 to emphasize certain aspects of the independent claims. In particular, the independent claims have been amended to incorporate certain limitations formerly presented in Claim 11, as discussed below; Claim 11 has been cancelled. Additionally, Claims 14-21 have been amended to maintain consistency among the claims. As discussed herein, the claim

amendments are fully supported throughout the Specification. No new matter has been introduced by this amendment.

Aspects of the Claims

Prior to discussing the cited references, it may be used to discuss certain aspects of the claims. The claims recite systems and methods for rebooking one or more passengers who are prevented from or otherwise unable to travel on a scheduled flight. An exemplary method, typified by Claim 1, can include the step of first obtaining passenger data for the passengers. The method can also include comparing the passenger data with one or more rebooking rules to allow selection of a plurality of candidate flights for the passenger. Afterwards, the selected rebooking flight candidates can be presented to a passenger. In the method and system, the selected flight candidates can be presented to the passenger in a preferred order. This preferred order can be based on a ranking of the selected flight candidates according to the rebooking rules. (See, e.g., para. [0008].)

In the various embodiments, because ranking is based on rebooking rules, the ranking can be biased towards providing a passenger with flight candidates that would be preferred more by either the passenger or the airline. For example, the preferred order can be one preferred by the airline. In the exemplary embodiment illustrated in FIG. 4, rebooking candidate 404 is most preferred by the airline according to the rebooking rule and therefore is presented at the top of the list. In another example, the preferred order can be one that would be more convenient for or preferred by a passenger. In the exemplary embodiment shown in FIG. 3, the rebooking rules are used to rank rebooking candidates 304, 306, 310 in an order of most immediate departure, usually preferred by passengers since this allows a passenger to select a flight that lessens the passenger's travel disruptions.

The method also can include the step of prompting the passenger to select one of the presented candidates. The method further can include rebooking the passenger according to the passenger's selection.

The Claims Define Over the References of Record

In the Office Action, as previously noted, Claims 1, 9, and 13 were rejected under Slivka in view of Gillis. Claim 24 was rejected as being anticipated over Slivka. Slivka discloses systems and methods for re-accommodating passengers following travel disruptions. Gillis discloses systems and methods for communicating with customers during times of travel disruptions. Applicants respectfully submit, however, that the claims define over Slivka and Gillis.

In particular, Applicants respectfully submit that Slivka and Gillis fail to disclose or suggest the step of presenting flight candidates in a preferred order based on a ranking of the flight candidates based on the rebooking rules. Although Gillis discloses the step of presenting an alternative flight, Gillis fails to disclose or suggest that flights presented to a customer are displayed or otherwise presented in any specific type of order, or that the alternative flights are ranked in any way.

In the Office Action, however, it is asserted with respect to the rejection of Claim 11 that such a feature is disclosed in Slivka. In particular, the Office Action states on page 7 that Table 3 of Slivka discloses ranking flight candidates according to rebooking rules. Applicants respectfully disagree with this interpretation of Table 3, as would one of ordinary skill in the art. In particular, Table 3 of Slivka discloses passenger ranking and prioritization, as shown below:

TABLE 3	
<u>Passenger Prioritization</u>	
Rank	Passenger Profile
1	Physically challenged unaccompanied minor
2	Physically challenged adult or accompanied minor
3	Unaccompanied minor
4	Political VIP (Senator, congressman or congresswoman, etc.)
5	Very elderly passengers
6	Top Premium Tier Frequent Flier
7	First Class Fare Passengers
8	Second Premium Tier Frequent Flier
9	Third Premium Tier Frequent Flier
10	Full Economy Fare Passengers
11	Passengers connecting to tours or cruises
12	International Passengers
13	Groups of 3 or more at discounted fares
14	Progressively lower discounted fare amounts

Applicants respectfully submit that it is clearly evident from this table that the ranking provided therein is used to *rank passengers, not rebooking flight candidates*. This interpretation is further confirmed by the contents of paragraph [0026]:

[0026] Methods, systems, and articles of manufacture consistent with certain features related to the present invention may also employ rules that **rank certain types of passengers**. Rules engine 113 may be used by passenger flow model software 116 when performing the re-accommodation process consistent with certain features related to the present invention. **Table 3 shows an exemplary listing of how passengers may be ranked based on their profile.**

Such an approach is consistent with Slivka, which is directed to systems and methods that first rank all disrupted passengers and afterwards begins accommodating the passengers based on their rank. Accordingly, Table 3 fails to disclose or suggest presenting a list of flight candidates in a preferred order.

In contrast, the claims explicitly recite that flight candidates are presented in a preferred order, where this order is based on a ranking of the flight candidates according to the rebooking rules. Such a feature is advantageous over the approaches of both Slivka and Gillis, because it allows those flights found to be preferred according to the

rebooking rules to be presented at a top of a flight candidate list. Thus, the ranking can be used to encourage passengers to select particular flights, especially since a passenger is more likely to select one of the first options presented, rather than scroll through a long list of candidates. Accordingly, the airline can generate a set of rebooking rules that is customized for the airline, resulting in a ranking that balances the competing interests of passengers with those of the airlines, or a ranking that is biased in favor of the passengers' needs or the airlines' economic benefit.

Additionally, Applicants respectfully submit that the combination of Slivka and Gillis is inappropriate in view of their disclosures. Gillis discloses a system and method that allows passengers to be shown flight alternatives for their approval prior to rebooking. In contrast, Slivka discloses a system and method for rebooking passengers *without* an passenger input. In particular, the passengers in Slivka are not rebooked based on any type of personal passenger preferences, but only based on passenger value to the airline. Even though some passenger-specific factors, such as age and physical disability of passengers, may be considered during the rebooking process in Slivka, nowhere does Slivka disclose or suggest considering personal travel preferences of the passenger.

Accordingly, Slivka teaches away from allowing user input during the rebooking process. The motivation for not including passenger preferences in the rebooking decision is discussed throughout Slivka. Slivka repeatedly discloses that the rebooking method is provided to maximize economic benefits to the airline. Accordingly, not only does Slivka teach away from allowing user input, but one of ordinary skill in the art would also recognize that allowing users to select flights would not maximize economic benefit, as users are more likely to select the flight least likely to disrupt their travel, not the flight most likely to maximize an airline's revenues. Therefore, Applicants respectfully submit that a system that considers passenger input at the time of the

disruption, such as Gillis, cannot be appropriately combined with a system that purposefully does not consider passenger input at the time of the disruption, such as Slivka.

Accordingly, Slivka and Gillis, separately or in combination with any reference of record, fail to disclose suggest or render obvious each and every element of the independent claims, as amended. Applicants therefore respectfully submit that the independent claims define over the references of record. Furthermore, as the remaining claims each depend from one of the independent claims while reciting additional features, Applicants respectfully submit that the dependent claims likewise define over the references of record.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

AKERMAN SENTERFITT

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/Richard A. Hinson/

Gregory A. Nelson, Registration No. 30,577
Richard A. Hinson, Registration No. 47,652
Eduardo J. Quiñones, Registration No. 58,575
Customer No. 40987
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000